

## REMARKS

Applicant appreciates the Examiner's thorough examination of the present application as evidenced by the Final Office Action of September 11, 2003 (hereinafter "Office Action"). Applicant respectfully requests the Examiner to take one final look at independent Claim 1. To advance prosecution and to facilitate an early allowance of the present application, Applicant has amended independent Claim 1 by incorporating recitations from Claim 2 to clarify that the first metal oxide layer is formed on the insulation layer through atomic layer deposition involving pulsing the metal precursor over the device and exposing the device to an inert gas. Moreover, independent Claim 1 has been further amended to clarify that the first metal oxide layer is selectively formed on substantially only the first surface portion, *i.e.*, exposed portion, of the insulation layer. Claim 2 has been canceled without prejudice or disclaimer and various dependent claims have been amended to correct their dependencies in light of the cancellation of Claim 2.

Applicant respectfully submits that the cited reference fails to disclose or suggest at least the recitations of independent Claim 1 as amended. Therefore, Applicant respectfully submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter. Alternatively, Applicant respectfully requests entry of the present amendment as introducing no new issues and narrowing the issues for further consideration.

### **Independent Claim 1 is Patentable**

Independent Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Korean Patent Publication No. 2000-25706 (hereinafter "25706 Publication" in view of U. S. Patent No. 6,203,613 to Gates *et al.* (hereinafter "Gates").

Claim 1, as amended, recites:

forming an insulation layer that comprises oxygen between upper and lower conductive layers, the insulation layer having a first surface portion that is exposed by the upper and lower conductive

layers and a second, non-exposed, surface portion at an interface with the upper conductive layer; and

exposing the insulation layer to a metal precursor that is reactive with oxygen so as to selectively form a first metal oxide layer on substantially only the first surface portion of the insulation layer without forming the first metal oxide layer on the second surface portion of the insulation layer, such that the first metal oxide layer and the second surface portion of the insulation layer do not overlap,

wherein exposing the insulation layer to the metal precursor comprises: pulsing the metal precursor over the integrated circuit device; and exposing the integrated circuit device to an inert gas.

(Emphasis added).

Thus, according to independent Claim 1, the metal oxide layer is formed substantially only on the first surface, *i.e.*, exposed portion of the insulation layer. Moreover, the first metal oxide layer is formed on the insulation layer through atomic layer deposition involving pulsing the metal precursor over the integrated circuit device and exposing the integrated circuit device to an inert gas.

In sharp contrast, the metal oxide layer 22 shown in the 25706 Publication has portions thereof disposed on the upper electrode layer 16, the lower electrode layer 12, and the planarized layer 10. The 25706 Publication Abstract suggests that the metal oxide layer 22 may be formed by a reactive sputtering deposition process, rather than an atomic layer deposition process involving pulsing the metal precursor over the integrated circuit device and exposing the integrated circuit to an inert gas as recited in Claim 1.

In addition, the metal oxide layer 22 has portions thereof disposed on an upper surface of the upper electrode 16 that, in contrast with the recitations of Claim 1, overlap a non-exposed portion of the insulating layer 14 at an interface with the upper electrode 16. The Final Action asserts that based on the definition of the term "overlap" the metal oxide cannot overlap the unexposed portion of the insulation layer because the portion is unexposed. (Final Action, page 5). Applicant respectfully submits that even though the upper electrode layer 16 is disposed between the metal oxide layer 22 and the insulating layer 14, the metal oxide layer 22 still "extends over or past and cover[s] a part of" the insulating layer 14, which is consistent with the

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definition of the term "overlap." In other words, Applicant submits that one layer can still cover another layer even if a third layer is disposed therebetween. Applicant further submits that Gates fails to provide the teachings missing from the 25706 Publication as discussed above.

For at least the foregoing reasons, Applicant respectfully submits that independent Claim 1 is patentable over the 25706 Publication and Gates, and that dependent Claims 3 - 13 are patentable for at least the reason that they depend from an allowable claim.

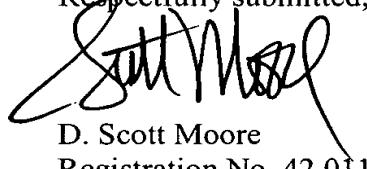
### CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

Alternatively, Applicants respectfully request entry of the present amendment as introducing no new issues and narrowing the issues for further consideration. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to our Deposit Account No. 50-0220.

Respectfully submitted,



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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on November 12, 2003.



Traci A. Brown